


townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC15-30
VAC Chapter title(s)	Lead-Based Paint Activities Regulations
Action title	Lead Regulation Amendment to Comport with Changes to 40 CFR Part 745
Final agency action date	May 14, 2026
Date this document prepared	May 20, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Virginia Board for Asbestos, Lead, and Home Inspectors ("the Board") is amending the Lead-Based Paint Activities Regulations to comport with recent changes to 40 CFR Part 745, which provides for federal regulations governing lead-based paint activities, including the identification and abatement of lead-based paint hazards. As mandated by the Code of Virginia, the regulations of the Board must be consistent with, but not more stringent than, standards for performing lead-based paint activities established by the United States Environmental Protection Agency ("EPA"). The recent changes to the EPA lead-based paint standards (i) reduce the level of lead in dust that is considered dangerous; and (ii) lower the amount of lead that can remain in dust on floors, window sills, and window troughs following a lead paint abatement.

The Board's amendments to the regulation include:

- Replacing the term “clearance levels” with “action levels” thorough the regulation.
- Revising rules regarding the determination of when a dust-lead hazard is present, including specifying that a hazard is present when amount of dust-lead meets a “reportable level” as defined in the regulation.
- Revising rules regarding abatement of dust-lead hazards to provide that dust-lead levels following an abatement must be below action level amounts specified by EPA.
- Revising abatement report standards to include a required disclosure when post-abatement dust-lead testing levels are below dust-lead action levels, but at or above dust-lead reportable levels.
- Various technical changes.

This regulatory action is exempt from the Administrative Process Act under § 2.2-4006(A)(4)(c) of the Code of Virginia, which states, in part:

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

4. Regulations that are:

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Section 54.1-501 of the Code of Virginia states, in part:

The Board shall administer and enforce this chapter. The Board shall:

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then

the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

On November 12, 2024, the EPA [finalized a rule](#) amending 40 CFR Part 745, which includes regulations governing lead-based paint activities. The final rule increased requirements for the identification and abatement of certain lead-based paint hazards.

According to the EPA, “[t]he final rule reduced the level of lead in dust that is considered hazardous from 10 micrograms per square foot (µg/ft²) on floors and 100 µg/ft² on window sills to any reportable level as analyzed by a laboratory recognized by EPA’s National Lead Laboratory Accreditation Program.” The final rule also lowered the amount of lead that can remain in dust on floors, window sills, and window troughs after a lead paint abatement occurs. The final rule also (i) adopted the terms “dust-lead reportable levels” and “dust-lead action levels; (ii) revised the definition of “target housing”; and (iii) revised the definition of “abatement” which now provides EPA will recommend an abatement when dust-lead loadings are at or above the dust-lead action levels. When dust-lead loadings are at or above the dust-lead reportable levels, but below dust-lead action levels, EPA will not recommend abatement, but instead recommend using best practices, such as vacuum with a high-efficiency particulate air (HEPA) filter on furniture and other items in the area, and regularly cleaning hard surfaces with a damp cloth or sponge and general all-purpose cleaner.¹

The EPA’s final rule became effective on January 13, 2025. As of January 12, 2026, abatement of dust-lead hazards must comply with the new action level standards.

This regulatory change will ensure that the Board’s regulation is consistent with, but not more stringent than, the EPA’s regulations as required by § 54.1-501 of the Code of Virginia.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On May 14, 2026, the Virginia Board for Asbestos, Lead, and Home Inspectors adopted final amendments to the Lead-Based Paint Activities Regulations.

¹ Source: Environmental Protection Agency. Hazard Standards and Clearance Levels for Lead in Paint, Dust, and Soil (TSCA Sections 402 and 403). (Webpage.) (<https://www.epa.gov/lead/hazard-standards-and-clearance-levels-lead-paint-dust-and-soil-tsca-sections-402-and-403>.) Accessed May 15, 2026.